

SELF-HELP PROCEDURES FOR FILING PETITION TO DISESTABLISH PATERNITY AND TERMINATE CHILD SUPPORT

If the Court or Department of Revenue has entered an order establishing paternity, and/or child support of a minor child(ren) **and you have newly discovered evidence related to the paternity of the child**, you may file a Petition to Disestablish Paternity and for Related Relief. Please read the instruction sheet on **General Information for Self Represented Litigants before proceeding.**

There are fees for filing this petition and for service by the Sheriff's Office (if needed). If you cannot pay the fees at the time of filing because of unemployment or insufficient income, you may meet the criteria to be placed on a partial payment plan. You must complete a Civil Affidavit/Application for Indigent Status and Deferral of Payment for Due Process Services with the Clerk of Court. Once you have completed this form, the Clerk of Court will determine if you meet the criteria for indigency. .

****** IF the Department of Revenue, Child Support Enforcement*** represents the other party, you are required to serve, by hand delivery, a copy of your documents to the Department of Revenue, Child Support Enforcement Agency located on "L" Street.

Definition

Petitioner: Individual making a written request.

Respondent: Individual receiving or answering written request.

Before a request to Disestablish Paternity can be filed, you **must have a current address on the respondent. (employer's address may be used).** The address is needed to be able to serve the respondent with the appropriate pleadings.

Below is a checklist of forms and requirements. **You may need to obtain additional forms depending on your circumstances.** The questions that follow this checklist may help you to determine other forms you may need. Additional forms may be obtained from the Clerk of Court, Family Law Division, 1st floor of the Santa Rosa County Courthouse 6865 S.W. Caroline Street, Milton, Florida, or most can be downloaded from the Internet at www.flcourts.org.

Required information and documents to be filed (you may use this as a checklist):

1. ___ **Petition to Disestablish Paternity and/or Terminate Child Support Obligation.**
2. ___ **Acknowledgment of Limitation of Services** (must be filed with the Petition).
3. ___ **Form 12.902(d) Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Affidavit (must be notarized).**
4. ___ **Form 12.910(a) Summons** and **Form: 12.910 (b) Process Service Memorandum or Acceptance of Service and Waiver of Service of Process by Sheriff** (when the parties agree to waive service by the sheriff). If the party lives in another county, the Summons and Process Service Memorandum needs to be served by a sheriff or certified process server in that county. The Clerk of Court will prepare the summons for service in Santa Rosa County.
5. ___ **Any other order of the court relating to custody, visitation or child support of the dependent or minor children must be filed along with the Petition.**
6. ___ **Final Judgment on Petition to Disestablish Paternity and/or Terminate Child Support Obligation (must be accurately and neatly typed for the Judge to sign). Bring the original Final Judgment, two (2) additional copies, and two (2) self addressed stamped envelopes to the Clerk of Court.**

Where do I file?

Once you have ~~to~~ completed the required documents, you must file the **original** documents with the Family Law Clerk of Court located at the Santa Rosa County Courthouse; 6865 S. W. Caroline Street; Milton, Florida 32570; 850-981-5552. Take the original and one copy to the Clerk's office and keep a copy for yourself. Inform the clerk that you are going to have the respondent served, and you will need a Summons.

What do I do after I have filed?

The Clerk will issue a Summons and attach the other set of copies to it. The Summons informs the respondent that he/she will have 20 days to respond to your petition. If the respondent lives in Santa Rosa County, take the summons with attachments to the Santa Rosa County Sheriff's Office Civil Division for service of process on the respondent. The Sheriff's Office will send a Return of Service to you and to the Clerk of Court, stating whether the respondent was or was not served.

What if the Respondent does not file an answer or submit required documents?

Once the respondent has been served or waived service, he/she will have 20 days to file an Answer. If the respondent fails to serve or file a response or any paper within the 20 days allowed, you may file a **Motion for Default**. **With the Motion for Default**, you must also file Form 12.912(b) **Nonmilitary Affidavit (if you are certain the other party is not in the military)**.

When ALL required documents have been completed, all required time periods have passed (i.e., 20 days for the respondent to answer) and you believe your case is ready for a final hearing, **FILE YOUR REQUEST FOR HEARING/TRIAL WITH THE CLERK OF COURT ALONG WITH TWO SELF-ADDRESSED STAMPED ENVELOPES - ONE ADDRESSED TO EACH PARTY**. Your case will be reviewed and a hearing date, trial date or further instructions will be provided to you by mail. PLEASE DO NOT CALL TO INQUIRE.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding you are entitled to certain assistance (at no cost to you). Please contact Brenda Van Brussel, Court Administration, 6827 Caroline Street; Suite A; Milton, Florida 32570, (850) 623-3159 concerning accommodations. If you are hearing or voice impaired, please call 1-800-955-8771 for assistance.

NOTICE OF LIMITATION OF SERVICES PROVIDED

This list of forms and procedural information should be considered as a guideline and not legal advice. It is best to consult with your own attorney, especially if your case presents significant issues regarding children, child support, alimony, retirement or pension benefits, assets or liabilities.

The personnel in the self-help program are not acting as your lawyer or providing legal advice to you. Self-help personnel are not acting on behalf of the Court or any judge. The presiding judge in your case may require amendment of a form or substitution of a different form other than any you may have obtained from the clerk's office, the self-help office or a legal forms provider. The form(s) you file are only a request of the Court. The judge is not required to grant the relief requested in a form. The personnel in this self-help program cannot tell you what your legal rights or remedies are, represent you in court or tell you how to testify in court. Self-help services are available to all persons who are or will be parties to a family case. The information you give to and receive from self-help personnel is not confidential and may be subject to disclosure at a later date. Nothing you may tell family court personnel is confidential. If another person involved in your case seeks assistance from the self-help program, that person will be given the same type of assistance you receive.

Clerk's Office Family Law Division: (850) 981-5552
Court Administration Family Law Self Help Office: (850) 981-5588

Disestablishment of Paternity/CS

Pursuant to 742.18, FS (2006)

Case No: _____

Date Filed: _____

Date Reviewed: _____

Petitioner: _____

Respondent: _____

Attorney: _____

Attorney: _____

Served on Mother _____
Date Served

Served on DOR Yes___ No___

Biological father of child determined by:

DNA Testing Yes___ No___

Default Yes___ No___

Acknowledgement Yes___ No___

Signing Birth Certificate Yes___ No___

CS established by Administrative Process Yes___ No___

If yes, must file in circuit where Mother or Legal Guardian/Custodian reside

Does the petition contain:

Yes___ No___ Affidavit regarding newly discovered evidence since the initial determination or establishment

Yes___ No___ DNA results (has to be administered within 90 days of filing petition) or, an Affidavit stating that the child was not available for testing prior to filing

Yes___ No___ Affidavit stating that CS is current or there is substantial compliance and any delinquency is due to the inability to pay

Relief can be granted if all of the following are met:

1. Newly discovered evidence since the initial determination or establishment
2. The DNA test was properly conducted
3. CS is current, or there is substantial compliance and any delinquency is due to the inability to pay
4. The child has not been adopted by the moving party
5. The child was not conceived by artificial insemination while the moving party ordered to pay CS and the Mother were married
6. The moving party ordered to pay CS didn't interfere with the rights of the biological father to assert parental rights
7. The child is younger than 18 yrs old at the time of filing

Relief cannot be granted if the male engaged in any of the following conduct after learning that that he is not the biological father of the child:

1. Married the Mother of the child and voluntarily assumed the parental obligation and duty to pay support
2. Acknowledged paternity in sworn statement
3. Consented to be named as Father on birth certificate
4. Voluntarily promised in writing to support child
5. Required to submit to DNA testing and failed to do so

Granting the petition is limited to prospective CS

CS obligation remains while petition is pending

An additional DNA test can be required by the Court or ordered at the request of any party; the requesting party must pay any testing fee

Petition will be decided against any party who willfully fails to submit to DNA testing

This does not preclude an individual from seeking relief pursuant to Rule 1.540, Florida Rules of Civil Procedure or s. 742.10(4), F.S.

IN THE CIRCUIT COURT
 OF THE FIRST JUDICIAL CIRCUIT,
 IN AND FOR SANTA ROSA COUNTY, FLORIDA

Case No.: _____

Division: _____

 Petitioner,

and

 Respondent.

**PETITION TO DISESTABLISH PATERNITY
 AND/OR TERMINATE CHILD SUPPORT OBLIGATION**

I, *{full legal name}* _____, certify that the following information is true:

SECTION I.

1. THIS ACTION EFFECTS THE FOLLOWING CHILD(REN):

	Name	Place of Birth	Date of Birth	Sex
(1)	_____	_____	_____	_____
(2)	_____	_____	_____	_____
(3)	_____	_____	_____	_____
(4)	_____	_____	_____	_____

2. PATERNITY. My paternity of the child(ren) was established by:

{check one only}

Operation of law because I was married to the child(ren)'s mother.

Adjudication of paternity entered by *{court}* _____
 on *{date}* _____ Case No. _____.

Administrative Order by Child Support Enforcement Office (Department of Revenue)
 entered at *{location}* _____ on *{date}* _____, Case
 No. _____.

Acknowledgment of paternity executed on *{date}* _____.

Other: *{specify}* _____.

A copy of the judgment and/or acknowledgment attached.

3. CHILD SUPPORT. My child support obligation for the child(ren) was established by:

{check one only}

A Final Judgment of Dissolution of Marriage, entered by *{court}* _____ on *{date}* _____,
{case number} _____.

A Paternity proceeding in *{court}* _____ entered on
{date} _____, *{case number}* _____.

() Administrative proceeding by the Department of Revenue, Child Support Enforcement Office on {date} _____, at {location} _____, {case number} _____.

() Other: *specify* _____

A copy of the judgment/order is attached.

SECTION II.

1. NEWLY DISCOVERED EVIDENCE

I hereby affirm that newly discovered evidence concerning to the paternity of this/these child(ren) has come to my knowledge, since the initial paternity determination or establishment of a child support obligation.

{*Explain*} _____

2. SCIENTIFIC TESTING

() The results of scientific tests that are generally acceptable within the scientific community to show a probability of paternity, administered within 90 days prior to the filing of this petition, indicate that I cannot be the father of the child(ren) for whom support is required. A copy of the test results is attached.

() I did not have access to the child(ren) to have scientific testing performed before the filing of this petition and I request that the court order the child(ren) to be tested.

3. FULFILLMENT OF CHILD SUPPORT OBLIGATIONS

{check one}

() **I am current** on all child support payments for the child(ren) whom relief is sought.

OR

() I have substantially complied with my child support obligation for the child(ren) and any delinquency in my child support obligation for the child(ren) arose from my inability for just cause to pay the delinquent child support when the delinquent child support became due.

{*Explain*}: _____

A current copy of my child support payment history is attached.

SECTION III

A. ALL OF THE FOLLOWING ARE TRUE TO THE BEST OF MY KNOWLEDGE

{By initialing each statement below, I am affirming it to be true}

1. () I have not adopted the child (ren).

2. () The child(ren) was not conceived by artificial insemination while I was married to the child(ren)'s mother.

- 3. () I did not act to prevent the biological father of the child(ren) from asserting his parental rights with respect to the child(ren).
- 4. () The child(ren) was/were younger than 18 years of age when the petition was filed.

B. SINCE LEARNING THAT I AM NOT THE BIOLOGICAL FATHER OF THE CHILD(REN) I HAVE DONE NONE OF THE FOLLOWING :

{By initialing each statement below, I am affirming it to be true}

- 1. () I did not marry the mother of the child(ren) while known as the reputed father and voluntarily assume the parental obligation and duty to pay child support.
- 2. () I have not acknowledged paternity of the child(ren) in a sworn statement.
- 3. () I have not consented to be named as the child(ren)'s biological father on the child(ren)'s birth certificate(s).
- 4. () I did not voluntarily promise in writing to support the child(ren), and was not required to support the child(ren) based on any written promise.
- 5. () I have not disregarded a written notice from a state agency or any court directing me to submit to scientific paternity testing.
- 6. () I have not signed a voluntarily acknowledgment of paternity.

PETITIONER'S REQUEST

- 1. I hereby request a hearing on this petition and understand that I must attend the hearing.
- 2. I am requesting that the Court enter an order to do the following:

{check all that apply}

- () a. Disestablish paternity of the minor child(ren), ordering proper scientific testing, if necessary;
- () b. Terminate my obligation to pay child support for the child(ren) named in this petition, including medical/dental insurance coverage for the minor child(ren)
- () c. Change the child(ren)'s name(s) to the following:

- () d. Other relief as follows: _____

I understand that I am swearing or affirming under oath to the truthfulness of the claims made in this petition and that the punishment for knowingly making a false statement includes fines and/or imprisonment.

Dated: _____

Signature of Petitioner

Printed Name: _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

Fax Number: _____

STATE OF FLORIDA
 COUNTY OF SANTA ROSA

Sworn to or affirmed and signed before me on _____ by _____.

NOTARY PUBLIC or DEPUTY CLERK

[Print, type, or stamp commissioned name of notary or
deputy clerk.]

___ Personally known
___ Produced identification
___ Type of identification produced _____

**IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE
BLANKS BELOW: [fill in all blanks]**

I, *{full legal name and trade name of nonlawyer}* _____ ,
a nonlawyer, located at *{street}* _____ , *{city}* _____ ,
{state} _____ , *{phone}* _____ , helped *{name}* _____
who is the petitioner, fill out this form.

**IN THE CIRCUIT COURT
OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR SANTA ROSA COUNTY, FLORIDA**

Case No.:
Division:

Petitioner,

and

Respondent.

**FINAL JUDGMENT ON PETITION TO DISESTABLISH PATERNITY
AND/OR TERMINATE CHILD SUPPORT**

This cause came before the Court on {date} _____ upon a Petition to Disestablish Paternity and/or Terminate Child Support under chapter 742, Florida Statutes. Present before the court were the () Petitioner and () Respondent. The Court having considered the testimony and evidence presented, makes these findings of fact and reaches these conclusions of law:

1. The Court has jurisdiction of the subject matter and the parties.
2. Paternity of the minor child(ren) was established by Court/Administrative Order dated _____.
3. The dependent or minor child(ren) is (are):

Name	Birth date
_____	_____
_____	_____
_____	_____
4. Newly discovered evidence relating to the paternity of the child(ren) () has () has not come to the petitioner's knowledge since the initial () paternity determination () establishment of a child support obligation.
5. Scientific tests that are generally acceptable within the scientific community to show a probability of paternity () were () were not properly conducted and presented to the Court.
6. () Petitioner is current on all child support payments for the child(ren).

() Petitioner has substantially complied with his child support obligation for the applicable child(ren) and any delinquency in his child support obligation arose from his inability for just cause to pay the delinquent child support.

() Petitioner was ordered to pay child support prior to the date of the filing of this Petition and is not current on the child support obligation, there is currently \$_____ due and owing on the arrearage.

7. () Petitioner is eligible to have his paternity disestablished by the Court and has met the conditions of 742.18 Florida Statutes.

() Petitioner has not met the conditions required to be eligible to have his paternity disestablished by the Court pursuant to 742.18 Florida Statutes.

It is therefore **ORDERED AND ADJUDGED:**

I. () The Petition to Disestablish Paternity and/or Terminate Child Support in **DENIED**.

() The Petition to Disestablish Paternity and/or Terminate Child Support is **GRANTED**.

II. TERMINATION OF CHILD SUPPORT

() Child Support shall be terminated effective _____.

III. TERMINATION OF PARENTAL RIGHTS

() The petitioner shall no longer have parental rights related to the named minor child(ren).

IV. CHILD(REN)'S NAME(S)

() There shall be **no change** to the child(ren)'s name(s).

() It is in the child(ren)'s best interests that the child(ren)'s name(s) be changed as follows:

Present Name:

Changed to:

Present Name:	Changed to:

by which the minor child(ren) shall hereafter be known.

V. Other Provisions:

DONE AND ORDERED at Pensacola, Florida this ___ day of _____,
200_____.

Circuit Judge

COPIES TO:
Petitioner
Respondent
Domestic Relations

I CERTIFY the foregoing is a true copy of the original as it appears on file in the office of the Clerk of the Circuit Court of _____ County, Florida, and that I have furnished copies of this order as indicated above.

CLERK OF THE CIRCUIT COURT

(SEAL)

By: _____
Deputy Clerk

IN THE CIRCUIT COURT
OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR SANTA ROSA COUNTY, FLORIDA

Case No.: _____
Division: _____

Petitioner,

and

Respondent.

**MOTION TO DIRECT THAT CHILD SUPPORT PAYMENTS NOT BE DISBURSED
PENDING DETERMINATION ON THE PETITION TO DISESTABLISH PATERNITY
AND/OR TERMINATE CHILD SUPPORT OBLIGATION**

I, *{full legal name}* _____, being sworn, certify
that the following information is true:

A Petition to Disestablish Paternity and/or Terminate Child Support was filed on
{date} _____, *{case number}* _____.

The Petition to Disestablish Paternity and/or Terminate Child Support affects the
following child(ren):

NAME	DATE OF BIRTH	PLACE OF BIRTH
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

- () I have discovered new evidence relating to paternity of the child(ren) and have had scientific paternity testing performed on myself and the child(ren).
- () I have discovered new evidence relating to the paternity of the child(ren) and have had paternity testing done, however, I did not have access to the child(ren) to have testing performed.
- () I am current on all child support payments for the child(ren) for whom relief is sought.
- () I have substantially complied with my child support obligation for the child(ren) and any delinquency in my child support obligation for the child(ren) arose from my inability for just cause to pay the delinquent child support when the delinquent child support became due, however, there is currently a arrearage in the amount of \$ _____ .
Reason for delinquency:

A copy of my child support payment history is attached to this motion.

I ask the court to enter an order to:

Direct that all future child support payments not be disbursed to respondent prior to the determination by the Court of the merits of my Petition for Disestablishment of Paternity and/or Termination of Child Support Obligation.

Other:

I understand that I am swearing or affirming under oath to the truthfulness of the claims made in this motion and that the punishment for knowingly making a false statement includes fines and/or imprisonment.

Dated: _____

Signature of Petitioner
Printed Name: _____
Address: _____
City, State, Zip: _____
Telephone Number: _____
Fax Number: _____

STATE OF FLORIDA
COUNTY OF SANTA ROSA

Sworn to or affirmed and signed before me on ____ by _____.

NOTARY PUBLIC or DEPUTY CLERK

[Print, type, or stamp commissioned name of notary or deputy clerk.]

____ Personally known
____ Produced identification
Type of identification produced _____

IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW: [fill in all blanks]

I, *{full legal name and trade name of nonlawyer}* _____,
a nonlawyer, located at *{street}* _____, *{city}* _____,
{state} _____, *{phone}* _____, helped *{name}* _____,
who is the petitioner, fill out this form.

IN THE CIRCUIT COURT
OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR SANTA ROSA COUNTY, FLORIDA

Case No.: _____

Division: _____

Petitioner,

and

Respondent.

**ORDER ON MOTION TO NOT DISBURSE CHILD SUPPORT PAYMENTS PENDING
DETERMINATION ON THE PETITION TO DISESTABLISH PATERNITY
AND/OR TERMINATE CHILD SUPPORT OBLIGATION**

This cause came before the Court on the Petitioner's Motion to have the child support disbursement unit hold child support payments pending a ruling on his Petition to Disestablish Paternity and/or Terminate Child Support filed on _____. Having reviewed the case and facts presented it is

HEREBY ORDERED AND ADJUDGED:

1. Petitioner's Motion is hereby **DENIED**.
2. Petitioner's Motion is hereby **GRANTED**.
3. Petitioner is directed to continue making regular child support payments and paying any arrearages owed in his child support obligation.
4. The Clerk of Court, Domestic Relations, shall continue collecting the child support payments, but shall not disburse any future child support payments until further order of this Court.
5. Other:

DONE AND ORDERED at SANTA ROSA COUNTY, Florida this _____ day of _____, 200_____.

Circuit Judge

COPIES TO:
Petitioner
Respondent
Domestic Relations